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| 09/608,996      | 06/30/2000  | Robert W. Faber      | 42390.P8384X        | 1672             |

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| EXAMINER |
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HOFFMAN, BRANDON S

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| ART UNIT | PAPER NUMBER |
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2171

DATE MAILED: 11/19/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/608,996

Applicant(s)

FABER ET AL.

Examiner

Brandon Hoffman

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☒ Claim(s) 11-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:
  - On page 1, line 26, "effort have been" should be –effort has been–.
  - On page 13, line 12, "An" should be –A<sub>n</sub>–.
  - BRIEF SUMMARY OF THE INVENTION is missing from the application. All other sections are labeled correctly.

Claims 11-16 are objected to because of the following informalities:

- Regarding claims 11 and 14, on line 5 of each mentioned claim, "and" is missing after the third semicolon (;).
- Regarding claims 12, 13, 15, and 16, these claims are dependent upon claims 11 and 14, respectively, and therefore inherit their deficiencies.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112 – 2<sup>nd</sup> Paragraph***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 6, 9, 12, and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "most significant" in claims 2, 6, 9, 12, and 15 is a relative term which renders the claim indefinite. The term "most significant" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is not understood what the most significant bits are in this invention. To a person interested in receiving content, the content bits are the most significant bits. On the other hand, a broadcaster is interested in the bits arriving and being decrypted properly. In this case, the header and sync bits are the most significant bits.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Manabu et al. (U.S. Patent No. 6,453,304).

Regarding claim 1, Manabu et al. teaches a method comprising:

- A video source device providing n bits of copy control information to a video recording device (figure 1 and figure 3);

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- Each of the video source and recording devices incorporating said n bits of copy control information as part of an initialization value (figure 1, reference number 304 and figure 3, reference number 402); and
- Each of the video source and recording devices initializing a cipher unit with said initialization value to practice a symmetric ciphering/deciphering process employed by the video source and recording devices to protect video transmitted from the video source device to the video recording device (figure 1, reference number 304 to 303 and figure 3, reference number 402 to 403).

Regarding claim 3, Manabu et al. teaches each of said initialization of a cipher unit by said video source and recording devices comprises initializing a register of the cipher unit with the copy control information incorporated initialization value (column 3, line 57 to column 4, line 3).

Regarding claim 5, Manabu et al. teaches a video apparatus comprising:

- A cipher unit to generate a sequence of ciphering bits to cipher video to be transmitted by the video apparatus to a video recording device (figure 1, reference number 303),
  - The cipher unit including a register to be initialized with an initialization value incorporating n bits of copy control information (column 3, line 57 to column 4, line 3); and

- A communication interface coupled to the video recording device to provide said n-bit copy control information to said video recording device (figure 1, reference number 307).

Regarding claim 8, Manabu et al. teaches a video apparatus comprising:

- A cipher unit to generate a sequence of deciphering bits to decipher ciphered video to be received from a video source device (figure 3, reference number 403),
  - The cipher unit including a register to be initialized with an initialization value incorporating n bits of copy control information (column 3, line 57 to column 4, line 3); and
- A communication interface coupled to the video source device to receive said n-bit copy control information from said video source device (figure 1, reference number 401).

Regarding claim 11, Manabu et al. teaches in a video source device, a method comprising:

- Providing a video recording device with n-bits of copy control information (figure 1);
- Incorporating said n-bits of copy control information as a part of an initialization value (figure 1, reference number 304);

- Initializing a block cipher with said initialization value (figure 1, reference number 304 to 303); and
- Operating said block cipher to generate a key for use by a stream cipher to cipher video to be transmitted to the video recording device (figure 2, reference numbers 3031 and 3032).

Regarding claim 14, Manabu et al. teaches in a video recording device, a method comprising:

- Receiving from a video source device n-bits of copy control information (figure 3);
- Incorporating said n-bits of copy control information as a part of an initialization value (figure 3, reference number 402);
- Initializing a block cipher with said initialization value (figure 3, reference number 402 to 403); and
- Operating said block cipher to generate a key for use by a stream cipher to decipher ciphered video received from the video source device (figure 2, reference numbers 3031 and 3032).

Regarding claims 2, 6, 9, 12, and 15, Manabu et al. teaches said initialization value incorporates said n bits of copy control information as its most significant bits (column 4, lines 53-59).

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Regarding claims 4, 7, 10, 13 and 16, Manabu et al. teaches said initialization of the block cipher unit comprises initializing a register of a round function of the block cipher (figure 2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Hoffman whose telephone number is 703-305-4662. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

*Brandon Hoffman*

BH

11/13/03

  
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